

AMENDMENT AND REQUEST FOR RECONSIDERATION...
U.S. APPLN. NO. 10/787,392

REMARKS

The above amendments to the specification correct minor typographical errors therein.

Claims 1-4, 7-10 and 12-16 were examined and are still pending. (Applicant also proposes to add new dependent claims 17 (17/2) and 18 (18/4).)

The Examiner has finally rejected the claims on the following grounds:

- Claims 1-4, 7, 8, 10, 12 and 13 stand rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent Application Publication No. 2001-0050975 to Nakajo ("Nakajo");
- Claim 9 stands rejected as begin unpatentable (obvious) under 35 U.S.C. § 103(a) over Nakajo in view of U.S. Patent No. 5,065,866 to Boutet ("Boutet");
- Claim 14 stands rejected as begin unpatentable (obvious) under 35 U.S.C. § 103(a) over Nakajo in view of U.S. Patent No. 5,773,832 to Sayed ("Sayed"); and
- Claims 15-16 stand rejected as begin unpatentable (obvious) under 35 U.S.C. § 103(a) over Nakajo in view of Sayed and further view U.S. Patent No. 6,158,888 to Walker ("Walker").

Applicant respectfully again **traverses** these rejections for the following reasons.

(Applicant notes that Nakajo '975 is now Patent No. 6,719,457 having the same inventor and assignee as the present application.)

The rejection under 35 U.S.C. §102(b) based on anticipation requires that Nakajo '975 disclose, either expressly or inherently, each limitation of each of the claims 1-4, 7, 8, 10, 12 and 13, or in other words, that each of these claims be readable on Nakajo's disclosure.

Applicant respectfully submits that clearly such is **not** the case here.

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Applicant appreciates the Examiner's attempt at reading the language of these claims on Nakajo's disclosure, but Applicant respectfully submits that this attempt fails.

First, the Examiner improperly reads Applicant's claimed "stimulable phosphor sheet" on Nakajo's element (12) **and on Nakajo's frames 28a, 28b, 28c and 28d**.

Furthermore, the Examiner also improperly reads Applicant's claimed "sheet member of a different material" (28) on Nakajo's "flat plate 24", and then improperly asserts that the flat sheet 24 is "attached" to the phosphor sheet (elements 12, **28a, 28b, 28c and 28d**), and then also asserting that Nakajo meets Applicant's broad claim 1 limitation, "wherein a sheet member of a different material is **attached to said stimulable phosphor sheet**".

Even though Applicant understands that Examiner Sung is entitled to give the claim language its broadest reasonable meaning when attempting to read a claim on a prior art reference, Applicant respectfully submits that, in this case, the Examiner's literal reading is flawed and quite unreasonable. More specifically, Applicant respectfully submits, notwithstanding the Examiner's assertion to the contrary, that Nakajo does not even literally meet Applicant's claim limitation, "wherein a sheet member of a different material is **attached to said stimulable phosphor sheet**".

Applicant's independent claims require at least the following individual elements:

1. A stimulable phosphor sheet...;
2. A case for storing said stimulable phosphor sheet; and
3. A sheet member of a different material attached to said stimulable phosphor sheet.

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As described in paragraph [0035] of Nakajo, Nakajo's flat plate 24 is **part of the Nakajo casing 14:**

Thus, the flat plate 24 and the resin-molded frames 28a, 28b, 28c, 28d are **integrally joined to each other, producing the casing 14.**

Therefore, Nakajo's flat plate cannot be attached to itself, and in any event, does not structurally correspond to Applicant's "sheet member of a different material...attached to said stimulable phosphor sheet".

Therefore, since, as analyzed above, none of the independent claims 1, 4, 7, 8, 9 and 10 is readable on Nakajo's disclosure, Applicant respectfully submits that Nakajo is **incapable of anticipating** any of Applicant's pending claims 1-4, 7-10 and 12-16 (or the proposed new dependent claims 17 and 18), whereby Applicant respectfully requests the Examiner to reconsider and withdraw the rejection under 35 U.S.C. § 102(b).

As for the three rejections under 35 U.S.C. § 103(a), the above analysis shows that Nakajo does not disclose, or even suggest, all of the limitations of the independent claims whereby Nakajo fails, as a primary reference in these rejections, to provide a showing of *prima facie* obvious of the claims rejection under 35 U.S.C. § 103(a).

Furthermore, the disclosures of the secondary references Boutet, Sayed and Walker do not make up for the deficiencies in the disclosure of Nakajo, the primary reference. In other words, even if Nakajo's disclosure were modified by the teachings of the three secondary references as proposed by the Examiner, there would not have been produced subject matter which would have rendered obvious the subject matter of the claims rejected under

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35 U.S.C. § 103(a). Therefore, Applicant also respectfully requests the Examiner to reconsider and withdraw the rejections under 35 U.S.C. § 103(a).

As part of the Examiner's (unreasonable) reading of Applicant's claims which are rejected on anticipation under 35 U.S.C. § 102(b), the Examiner asserts that the word "attached" merely requires that elements be "in contact with each other in a fashion where they cannot be taken apart", and refers Applicant to Nakajo's Fig. 5 with the assertion, "the element (24) can be disassembled and removed from the casing (see figure 5)". However, as already explained above, Nakajo's element 24 is the Nakajo casing 14 (again see paragraph [0035]), thereby showing the Nakajo does not disclose or even suggest Applicant's claim limitations, "wherein a sheet member of a different material is **attached** to said stimulable phosphor sheet", and **also** "said sheet member of a different material be detachably mounted in said recess by a fastening member".

Applicant proposes new dependent claims 17 (17/2) and 18 (18/4) for defining the embodiment of the invention as described in Applicant's specification at page 13, lines 11-21. These claims should be allowable for the same reason that their respective parent claims are allowable, and for the additional reason of the limitations added by these dependent claims. Applicant respectfully submits that these dependent claims 17 and 18 do not raise any new issue which would require further consideration and/or search.

REQUEST FOR INTERVIEW

Applicant respectfully submits that this application should now be in condition for allowance with claims 1-4, 7-10 and 12-18; however, if for any reason the Examiner feels that

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the application is now in condition for allowance, the Examiner is respectfully requested to **call** **the undersigned attorney** to discuss any unresolved issues and to expedite the disposition of the application. In this regard, Applicant respectfully submits that Applicant's presently claimed invention is patentable (non-obvious) over Applicant's previous disclosure in Nakajo '975.

Clearly the invention **disclosed** in the present application is quite different from the disclosure of Nakajo '975, but if the Examiner feels that the claims need amendment in order better to patentably define this difference, Applicant would like the opportunity to have Applicant's attorney discuss the matter with the Examiner.

Applicant hereby petitions for any extension of time which may be required to maintain the pendency of this application, and any required fee for such extension is to be charged to Deposit Account No. 19-4880. The Commissioner is also authorized to charge any additional fees

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under 37 C.F.R. § 1.16 and/or § 1.17 necessary to keep this application pending in the Patent and Trademark Office or credit any overpayment to said Deposit Account No. 19-4880.

Respectfully submitted,

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